

RELEASED

**U.S. District Court
Eastern District of Oklahoma (Muskogee)
CRIMINAL DOCKET FOR CASE #: 6:21-mj-00007-KEW-1**

Case title: USA v. Ericson

Date Filed: 01/22/2021

Assigned to: Magistrate Judge
Kimberly E. West

Defendant (1)

Andrew C. Ericson

represented by **Neil D. Van Dalsem**
Federal Public Defender – Muskogee
627 W Broadway
Muskogee, OK 74401–6220
918–709–7019
Fax: 918–687–2392
Email: neil_van_dalsem@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:1752(a)(1) & (2) – Unlawful
Entry on Restricted Buildings or
Grounds; 40:5104(e)(2)(D) & (G)
– Violent Entry and Disorderly
Conduct on Capitol Grounds

Disposition

Plaintiff**USA**

represented by **Christopher J. Wilson**
 US Attorney (OKED)
 520 Denison Ave
 Muskogee, OK 74401
 918-684-5100
 Fax: 918-684-5150
 Email: Chris.Wilson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Clay A. Compton
 US Attorney (OKED)
 520 Denison Ave
 Muskogee, OK 74401
 918-684-5167
 Fax: 918-684-5150
 Email: clay.compton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Page	Docket Text
01/22/2021			ARREST on Charges Pending in USDC for the District of Columbia (Rule 5) by USA as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/22/2021	<u>1</u>		RULE 5 PAPERS from USDC for the District of Columbia as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/22/2021	2		MINUTE ORDER by Magistrate Judge Kimberly E. West setting video conference Rule 5 Initial Appearance for 1/25/2021 at 12:00 p.m. in Courtroom 3 before Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (pmb, Deputy Clerk) Modified on 1/22/2021 (pmb, Deputy Clerk). (Entered: 01/22/2021)
01/25/2021	<u>3</u>		MINUTES of Proceedings held before Magistrate Judge Kimberly E. West: Rule 5 Initial Appearance held on 1/25/2021 as to Andrew C. Ericson. Defendant released on \$10,000 unsecured bond. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	4		ORAL MOTION for Appointment of Counsel by Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>5</u>		ORDER APPOINTING COUNSEL by Magistrate Judge Kimberly E. West: granting 4 Oral Motion for Appointment of Counsel as to Andrew C. Ericson (1). (Attachments: # <u>1</u> Financial Affidavit) (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>6</u>		ORDER by Magistrate Judge Kimberly E. West directing defendant to answer

			and appear in district of prosecution as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>7</u>		APPEARANCE BOND approved by Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>8</u>		ORDER SETTING CONDITIONS OF RELEASE by Magistrate Judge Kimberly E. West as to Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/25/2021)
01/25/2021	<u>9</u>		WAIVER of Rule 5 Hearing approved by Magistrate Judge Kimberly E. West by Andrew C. Ericson. (adw, Deputy Clerk) (Entered: 01/26/2021)

MIME-Version:1.0
From:CM-ECFRetMail_OKED@oked.uscourts.gov
To:CM-ECFLive_OKED@oked.uscourts.gov
Bcc:
--Case Participants: Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison.winkle@oked.uscourts.gov, amy.green@oked.uscourts.gov, kurt.anderson@oked.uscourts.gov, staci.roberds@oked.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:1168085@oked.uscourts.gov
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Erickson Arrest (Rule 5)
Content-Type: text/html

U.S. District Court

Eastern District of Oklahoma

Notice of Electronic Filing

The following transaction was entered on 1/22/2021 at 9:30 AM CST and filed on 1/22/2021

Case Name: USA v. Erickson

Case Number: 6:21-mj-00007-KEW

Filer: USA

Document Number: No document attached

Docket Text:

ARREST on Charges Pending in USDC for the District of Columbia (Rule 5) by USA as to Andrew C. Erickson. (pmb, Deputy Clerk)

6:21-mj-00007-KEW-1 Notice has been electronically mailed to:

Christopher J. Wilson Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton clay.compton@usdoj.gov, barbara.elmore@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

6:21-mj-00007-KEW-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America

v.

Andrew C. Ericson

Case No. 1:21-MJ-00131

EDOK Case No. 20-MJ-07-KEW

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Andrew C. Ericson

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 1752(a)(1) & (2)- Unlawful Entry on Restricted Buildings or Grounds;

40 U.S.C. 5104(e)(2)(D) & (G)- Violent Entry and Disorderly Conduct on Capitol GroundsDate: 01/20/2021

2021.01.20

15:58:30 -05'00'

*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Andrew C. Ericson) Case No.

Date of Birth: 7/29/1997)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
 _____ in the District of Columbia, the defendant(s) violated:

Code Section

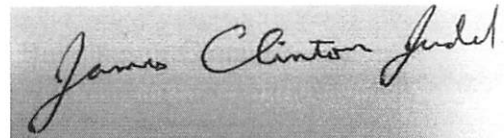
Offense Description

18 U.S.C. 1752(a)(1) & (2)- Unlawful Entry on Restricted Buildings or Grounds;

40 U.S.C. 5104(e)(2)(D) & (G)- Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.


Complainant's signature

James Clinton Judd, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
 by telephone.

Date: 01/20/2021


2021.01.20

15:57:30 -05'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

I, James Clinton Judd, a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), being duly sworn, depose, and state as follows:

1. I am a Special Agent of the FBI and have been so employed for approximately 25 years. I am currently assigned to the Oklahoma City Division, Tulsa Resident Agency of the FBI, and am authorized and responsible for conducting investigations of numerous criminal and national security violations falling within the FBI’s jurisdiction. During my career as an FBI Agent, I have investigated violent crimes and threats against national security to include crimes against the United States Government.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based in part on: information provided by law enforcement officers, Special Agents of the FBI, and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. This Affidavit is written to establish probable cause to search as described herein, and I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

4. As will be shown below, there is probable cause to believe that violations of Title 18, United States Code (U.S.C), Section 1752(a)(1) and (2) (Unlawful Entry on Restricted Buildings or Grounds), and Title 40 U.S.C. Section 5104(e)(2)(D) and (G) (Violent Entry and Disorderly Conduct on Capitol Grounds) occurred.

5. VENUE: the facts and circumstances alleged in this affidavit occurred within the District of Columbia, among other places.

6. SUBJECT: the subject and target of the investigation is ANDREW ERICSON, date of birth (DOB) 07/29/1997, hereinafter referred to as ANDREW ERICSON.

STATEMENT OF FACTS

7. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol.

8. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

9. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

10. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the

exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

11. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

12. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

13. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 pm after the building had

ERICSON and a Snapchat account under the username of andrewericson77 and a display name of Andrew Ericson. In the experience of Affiant, persons may have more than one account with social media accounts such as Snapchat utilizing different user and display names. Based upon this investigation, Affiant has reason to believe ANDREW ERICSON used a personal cellular device to take at least two photographs of himself and livestream his entrance into the United States Capitol Building.

18. The two photographs, both posted on the Snapchat page of ANDREW ERICSON in the same approximate time frame of 3:30 p.m., appear to show ERICSON taking a “selfie” in one photograph and having someone else take a photograph of him in the other photograph, while inside the United States Capitol Building. Both photographs, which are pasted below this paragraph, display the name Andrew Ericson.



19. On January 13, 2021, Special Agent James Hardy, United States Capitol Police, Threat Assessment Section, was shown the photographs received by Affiant from SSRA Heatherman. Based on the information SA Hardy has learned from the investigation, SA Hardy

21. On January 15, 2021, Affiant interviewed Witness 1, who provided the following information: On January 6, 2021, Witness 1 saw a post from ANDREW ERICSON on Snapchat. Witness 1 had not seen ANDREW ERICSON on Snapchat prior to this date. Witness 1 stated ANDREW ERICSON was livestreaming his entrance into the United States Capitol Building and then walking around inside the building. During the livestream, Witness 1 also saw ERICSON enter what Witness 1 thinks is Nancy Pelosi's office and take what appeared to be a beer out of a refrigerator in an office. Witness 1 was able to capture two segments of the live-streaming video of ANDREW ERICSON. Witness 1 was unable to capture all of the livestream video ANDREW ERICSON took of himself and the crowd. Witness 1 stated IT did not see any violent acts committed by ANDREW ERICSON but noted that IT (Witness 1) did hear ERICSON screaming and yelling during the livestream.

Oklahoma Eastern

23. Witness 1 provided Affiant with the two segments of the livestream Witness 1 was able to capture while watching ERICSON's livestream on ITs device. Both videos display the name "ANDREW ERIKSON." During a subsequent interview with Affiant, Witness 1 stated IT added the name of ANDREW ERICSON into ITs contact list with an incorrect spelling and thus, the name on ITs Snapchat application shows up with the incorrect spelling. Witness 1 stated both livestream videos are from ANDREW ERICSON. The first video from ANDREW ERICSON (with the display name showing Andrew Erikson) was at 2:21 p.m. on January 6, 2021, and showed people outside of the United States Capitol Building as a group of people were climbing the stairs into the United States Capitol. This video lasted approximately 26 seconds. The second video (also with the display name Andrew Erikson) was at 2:24 p.m. and showed a large number of people inside the United States Capitol Building. This video lasted approximately 15 seconds. Witness 1 stated ANDREW ERICSON was the person livestreaming the videos. Witness 1 told Affiant the ANDREW ERICSON livestream video was approximately 2-3 minutes in length and that ANDREW ERICSON posted approximately 10-15 videos and pictures on Snapchat of himself inside and around the United States Capitol Building. Witness 1 did not capture any of those photographs or videos beyond the two videos sent to Affiant. Witness 1 told Affiant that Witness 1 remembered one Snapchat photo ANDREW ERICSON posted where another person took a photograph of ANDREW ERICSON sitting in a chair in what might be Nancy Pelosi's office.

24. During Witness 1's subsequent interview with Affiant, Witness 1 said IT is "1,000% certain of the identity" of ANDREW ERICSON in the Snapchat livestream IT saw. Witness 1 stated IT was able to recognize both the face and voice of ANDREW ERICSON in the livestream video.

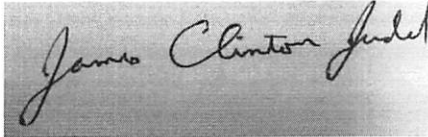
25. A review of the Oklahoma Driver's License database revealed a driver's license photograph of ANDREW ERICSON. A comparison of the Snapchat photographs received by Affiant from SSRA Heatherman depicting ANDREW ERICSON in the United States Capitol and the Oklahoma Driver's License for ANDREW ERICSON, leads Affiant to believe the person in the Snapchat photographs and the driver's license photograph are the same person. This same review indicated ANDREW ERICSON resides in Muskogee, Oklahoma, which is located within the Eastern District of Oklahoma.

CONCLUSION

26. Based on the foregoing, your affiant submits that there is probable cause to believe that ANDREW ERICSON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

27. Your affiant submits there is also probable cause to believe that ANDREW ERICSON violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive

conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



James Clinton Judd
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 20th day of January 2021.



2021.01.20
15:56:49 -05'00'

Zia M. Faruqui
United States Magistrate Judge

MIME-Version:1.0
From:CM-ECFRetMail_OKED@oked.uscourts.gov
To:CM-ECFLive_OKED@oked.uscourts.gov
Bcc:
--Case Participants: Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison.winkle@oked.uscourts.gov, amy.green@oked.uscourts.gov, kurt.anderson@oked.uscourts.gov, staci.roberds@oked.uscourts.gov)
--Non Case Participants: OKED Probation - Presentence (cm-ecf_mail_okep@okep.uscourts.gov), US Marshall (oked_usmnef@oked.uscourts.gov)
--No Notice Sent:

Message-Id:1168090@oked.uscourts.gov
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Erickson Order
Content-Type: text/html

U.S. District Court

Eastern District of Oklahoma

Notice of Electronic Filing

The following transaction was entered on 1/22/2021 at 9:37 AM CST and filed on 1/22/2021

Case Name: USA v. Erickson

Case Number: 6:21-mj-00007-KEW

Filer:

Document Number: 2(No document attached)

Docket Text:

MINUTE ORDER by Magistrate Judge Kimberly E. West setting video conference Rule 5 Initial Appearance for 1/25/2021 at 12:00 p.m. in Courtroom 3 before Magistrate Judge Kimberly E. West as to Andrew C. Erickson. (pmb, Deputy Clerk)

6:21-mj-00007-KEW-1 Notice has been electronically mailed to:

Christopher J. Wilson Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton clay.compton@usdoj.gov, CaseView.ECF@usdoj.gov, barbara.elmore@usdoj.gov, usaoke.criminal@usdoj.gov

6:21-mj-00007-KEW-1 Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW C. ERICSON

Defendant.

Case No.: 21-MJ-07-KEW

Date: 01/25/2021

Time: 12:30 pm – 12:38 pm

MINUTE SHEET INITIAL APPEARANCE (Rule 5)

U.S. Magistrate Judge Kimberly E. West Allison Winkle, Deputy Clerk FTR Courtroom: 3 - Room 432

Counsel for Plaintiff: Benjamin Gifford, AUSA

Counsel for Defendant: Neil D. Van Dalsem, AFPD

☒ Defendant gives oral consent to proceed by video conference

☒ Fin. Afdt / oral request for counsel Obj by Gov't : ☐ yes ☒ no ☒ Court appointed counsel

☒ Defendant acknowledged receipt of copy of Complaint from USDC – District of Columbia
(Case No. 1:21-MJ-131)

☒ Court advised defendant of constitutional rights under Rule 5.

☒ Court advised defendant of constitutional rights under Rule 20.

☐ Defendant waived Identity Hearing

☐ Waiver executed and accepted by Court

☐ Defendant waived Preliminary Hearing

☐ Defendant requested Preliminary Hearing

☐ Preliminary Hearing set

☒ Defendant requested to proceed to prosecuting district for preliminary hearing

☐ Government requested Detention

☐ Defendant waived detention hearing in this district and requested to be allowed to proceed to prosecuting district
for further proceedings

☐ Defendant reserved issue of detention at this time

☐ Defendant agreed issue of bond is moot

☐ Defendant requested Detention Hearing

☐ Detention Hearing set

☐ Defendant remanded to custody of U.S. Marshal for removal to the _____ District of _____

☒ Defendant allowed to post bond in the amount of \$10,000 (unsecured)

☒ Conditions of Release: See Order

Additional Minutes:

Defendant Ordered to appear by Zoom Conference on 1/29/2021 at 1:00 PM before Judge Harvey

☒ The sound recording for this hearing has been reviewed for completeness and correctness. The recording is a true and accurate record of these proceedings: AW

MIME-Version:1.0
From:CM-ECFRetMail_OKED@oked.uscourts.gov
To:CM-ECFLive_OKED@oked.uscourts.gov
Bcc:
--Case Participants: Neil D. Van Dalsem (neil_van_dalsem@fd.org, okn_ecf@fd.org), Clay A. Compton (barbara.elmore@usdoj.gov, caseview.ecf@usdoj.gov, clay.compton@usdoj.gov, usaoke.criminal@usdoj.gov), Christopher J. Wilson (caseview.ecf@usdoj.gov, chris.wilson@usdoj.gov, sheryl.hanshaw@usdoj.gov, usaoke.criminal@usdoj.gov), Magistrate Judge Kimberly E. West (allison.winkle@oked.uscourts.gov, amy.green@oked.uscourts.gov, kurt_anderson@oked.uscourts.gov, staci_roberds@oked.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:1168889@oked.uscourts.gov
Subject:Activity in Case 6:21-mj-00007-KEW USA v. Ericson Motion for Appointment of Counsel
Content-Type: text/html

U.S. District Court

Eastern District of Oklahoma

Notice of Electronic Filing

The following transaction was entered on 1/25/2021 at 2:51 PM CST and filed on 1/25/2021

Case Name: USA v. Ericson
Case Number: 6:21-mj-00007-KEW
Filer: Dft No. 1 – Andrew C. Ericson
Document Number: 4(No document attached)
Docket Text:
ORAL MOTION for Appointment of Counsel by Andrew C. Ericson. (adw, Deputy Clerk)

6:21-mj-00007-KEW-1 Notice has been electronically mailed to:

Christopher J. Wilson Chris.Wilson@usdoj.gov, CaseView.ECF@usdoj.gov, sheryl.hanshaw@usdoj.gov, usaoke.criminal@usdoj.gov

Clay A. Compton clay.compton@usdoj.gov, barbara.elmore@usdoj.gov, CaseView.ECF@usdoj.gov, usaoke.criminal@usdoj.gov

Neil D. Van Dalsem neil_van_dalsem@fd.org, okn_ecf@fd.org

6:21-mj-00007-KEW-1 Notice has been delivered by other means to:

FILEDIN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

JAN 25 2021

PATRICK KEANEY
Clerk, U.S. District CourtBy _____
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 21-MJ-07-KEW

ANDREW C. ERICSON

Defendant.

ORDER APPOINTING COUNSEL

On 1/25/2021 the above named having completed an affidavit as to financial ability to employ counsel, and upon review, the Court finds that the affiant is financially unable to obtain counsel. In accordance with the Eastern District of Oklahoma Plan for Implementing the Criminal Justice Act of 1984,

IT IS HEREBY ORDERED that the:

Federal Public Defender is appointed to represent the above-named defendant in all further proceedings unless and until relieved by order of the court.



Federal Public Defender shall forthwith furnish the name(s) of a private attorney or attorneys, as necessary, for appointment to represent the above-named defendant in all further proceedings unless and until relieved by order of the Court.



The Court finds that the defendant has the financial ability to make regular periodic payments to reimburse the government for the reasonable costs of providing representation for the defendant. The Court hereby ORDERS that the defendant pay to the Clerk of the Court, 101 North Fifth Street, Room 210, Muskogee, Oklahoma, \$_____ per month, on or before the 15th day of each month, continuing until the government has been fully reimbursed for all reasonable costs of providing representation to the defendant or until further order of the Court.



Federal Public Defender is temporarily appointed to represent the above-named defendant for purposes of initial appearance only.

Dated this 25th day of January, 2021.


KIMBERLY E. WEST
U.S. MAGISTRATE JUDGE

CJA 23 (Rev. 11/11)		FINANCIAL AFFIDAVIT	
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE			
IN THE UNITED STATES <input checked="" type="checkbox"/> DISTRICT COURT <input type="checkbox"/> COURT OF APPEALS <input type="checkbox"/> OTHER (Specify below)		LOCATION NUMBER	
IN THE CASE OF		FOR	
USA v. ERICSON		AT	
PERSON REPRESENTED (Show your full name) ANDREW C. ERICKSON		1 <input checked="" type="checkbox"/> Defendant - Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Supervised Release Violator 5 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other (Specify)	
CHARGE/OFFENSE (describe if applicable & check box →) <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor *see Complaint		DOCKET NUMBERS Magistrate Judge 21-MJ-07-KEW District Court Court of Appeals	

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY									
INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: _____ IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment? <u>01/2021</u> How much did you earn per month? \$ <u>100</u>							
	OTHER INCOME	If married, is your spouse employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____ IF YES, how much does your spouse earn per month? \$ _____ Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">RECEIVED</th> <th style="width: 50%; text-align: center;">SOURCES</th> </tr> <tr> <td style="padding: 5px;"> IF YES, give the amount received and identify the sources \$ _____ \$ _____ \$ _____ </td> <td style="padding: 5px;"> _____ _____ _____ </td> </tr> </table>		RECEIVED	SOURCES	IF YES, give the amount received and identify the sources \$ _____ \$ _____ \$ _____	_____ _____ _____		
	RECEIVED	SOURCES							
	IF YES, give the amount received and identify the sources \$ _____ \$ _____ \$ _____	_____ _____ _____							
	CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ <u>4000</u>							
PROPERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%; text-align: left;">IF YES, give value and description for each</th> <th style="width: 20%; text-align: center;">VALUE</th> <th style="width: 40%; text-align: center;">DESCRIPTION</th> </tr> <tr> <td style="padding: 5px;"> \$ <u>about 5000</u> \$ <u>2000</u> \$ _____ \$ _____ </td> <td style="padding: 5px;"> _____ _____ _____ _____ </td> <td style="padding: 5px;"> <u>Mercedes ML320 year: 2001</u> <u>SILVER</u> _____ _____ </td> </tr> </table>		IF YES, give value and description for each	VALUE	DESCRIPTION	\$ <u>about 5000</u> \$ <u>2000</u> \$ _____ \$ _____	_____ _____ _____ _____	<u>Mercedes ML320 year: 2001</u> <u>SILVER</u> _____ _____	
IF YES, give value and description for each	VALUE	DESCRIPTION							
\$ <u>about 5000</u> \$ <u>2000</u> \$ _____ \$ _____	_____ _____ _____ _____	<u>Mercedes ML320 year: 2001</u> <u>SILVER</u> _____ _____							
OBLIGATIONS & DEBTS	DEPENDENTS	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">MARITAL STATUS</th> <th style="width: 20%;">Total No. of Dependents</th> <th style="width: 40%;">List persons you actually support and your relationship to them</th> </tr> <tr> <td style="padding: 5px;"> <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced </td> <td style="padding: 5px;"> _____ _____ _____ </td> <td style="padding: 5px;"> _____ _____ _____ </td> </tr> </table>		MARITAL STATUS	Total No. of Dependents	List persons you actually support and your relationship to them	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	_____ _____ _____	_____ _____ _____
	MARITAL STATUS	Total No. of Dependents	List persons you actually support and your relationship to them						
<input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	_____ _____ _____	_____ _____ _____							
DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">DESCRIPTION</th> <th style="width: 20%;">TOTAL DEBT</th> <th style="width: 20%;">MONTHLY PAYMENT</th> </tr> <tr> <td style="padding: 5px;"> <u>AMEX credit card</u> _____ _____ _____ </td> <td style="padding: 5px;"> \$ <u>1000</u> \$ _____ \$ _____ \$ _____ </td> <td style="padding: 5px;"> \$ <u>270</u> \$ _____ \$ _____ \$ _____ </td> </tr> </table>		DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT	<u>AMEX credit card</u> _____ _____ _____	\$ <u>1000</u> \$ _____ \$ _____ \$ _____	\$ <u>270</u> \$ _____ \$ _____ \$ _____	
DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT							
<u>AMEX credit card</u> _____ _____ _____	\$ <u>1000</u> \$ _____ \$ _____ \$ _____	\$ <u>270</u> \$ _____ \$ _____ \$ _____							

I certify under penalty of perjury that the foregoing is true and correct.


 SIGNATURE OF DEFENDANT
 (OR PERSON REPRESENTED)

1/25/2021
 Date

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the

EASTERN District of OKLAHOMA

United States of America)

v.)

Case No. 21-MJ-07-KEW)

ANDREW C. ERICSON)

Charging District:)

Defendant)

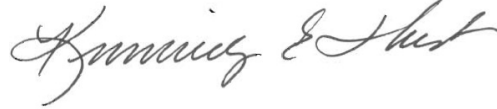
Charging District's Case No. 1:21-MJ-00131

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place:	U.S. DISTRICT COURT DISTRICT OF COLUMBIA Before Judge Harvey	Courtroom No.: 6 (By Zoom)
		Date and Time: 1/29/2021 AT 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 1/21/2021

*Judge's signature*KIMBERLY E. WEST, U.S. Magistrate Judge*Printed name and title*

FILED**UNITED STATES DISTRICT COURT**for the
Eastern District of Oklahoma

JAN 25 2021

PATRICK KEANEY
Clerk, U.S. District CourtBy _____
Deputy Clerk

United States of America)

v.)

Case No. 21-MJ-07-KEW

ANDREW C. ERICSON)

Defendant)

APPEARANCE BOND**Defendant's Agreement**

I, **ANDREW C. ERICSON** (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
- (☒) if convicted, to surrender to serve a sentence that the court may impose; or
- (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond(☐) (1) This is a personal recognizance bond.(☒) (2) This is an unsecured bond of \$ 10,000.00 .(☐) (3) This is a secured bond of \$, secured by:(☐) (a) \$, in cash deposited with the court.

(☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(☐) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):**Forfeiture or Release of the Bond**

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 - (OKED Rev. 2/19) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

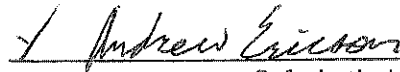
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/25/2021



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

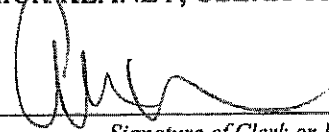
Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

PATRICK KEANEY, CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: 01/25/2021

Approved.

Date: 01/25/2021



Judge's signature

KIMBERLY E. WEST, U.S. Magistrate Judge

Name and Title

UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of Oklahoma

JAN 25 2021

PATRICK KEANEY
Clerk, U.S. District CourtBy _____
Deputy Clerk

United States of America)

v.)

ANDREW C. ERICSON)

Defendant)

Case No. 21-MJ-07-KEW

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court in the District of Columbia (by Zoom)
Place

on January 29, 2021 at 1:00 PM
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (☐) (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (☒) (7) The defendant must:

- (☐) (a) submit to supervision by and report for supervision to the _____ n/a

telephone number _____, no later than _____

- (☐) (b) continue or actively seek employment.

- (☒) (c) **TYPE OF BOND:** \$10,000 unsecured

- (☒) (d) surrender any passport to: the U.S. District Court for the District of Columbia

- (☒) (e) not obtain a passport or other international travel document.

- (☒) (f) abide by the following restrictions on personal association, residence, or travel: Eastern District of Oklahoma and Northern District of Oklahoma and the District of Columbia

unless given permission by the U.S. Probation Office or for Court purposes.

- (☐) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Codefendants _____

- (☐) (h) get medical or psychiatric treatment:

as directed by Pretrial Services. Sign all appropriate release forms so Pretrial Services can monitor compliance.

- (☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- (☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (☒) (k) not possess any illegal firearm or destructive device

- (☐) (l) not use alcohol (☐) at all (☐) excessively.

- (☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- (☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- (☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- (☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- (☐) (q) submit to radio frequency, cellular or global positioning system (GPS) location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(☐) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- (☐) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- (☐) (s) While on pretrial release defendant shall report as directed and permit a pretrial services officer to visit defendant's home or elsewhere and permit confiscation of any contraband observed in plain view.

- (☒) (t) Only travel to D.C. for Court proceedings

- (☐) (u) _____

- (☐) (v) _____

Oklahoma Eastern

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Andrew Ericson

Defendant's Signature

Muskogee, Oklahoma

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 01/25/2021

James E. Hunt
Judicial Officer's Signature

Judicial Officer's Signature

KIMBERLY E. WEST, U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

Oklahoma Eastern

UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma

United States of America

v.

ANDREW C. ERICSON

Defendant

Case No. 21-MJ-07-KEW

Charging District's Case No. 1:21-MJ-113

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* USDC/District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/25/2021*Andrew Ericson**Defendant's signature**[Signature]**Signature of defendant's attorney**Printed name of defendant's attorney*